

**SA 2329.** Mrs. BLACKBURN submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 2054, beginning on line 17, strike “, except that the” and all that follows through “project” on line 23.

**SA 2330.** Mrs. BLACKBURN submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

In section 11519, strike subsection (b) and insert the following:

(b) IMPROVING THE EMERGENCY RELIEF PROGRAM.—Not later than 90 days after the date of enactment of this Act, the Secretary shall—

(1) establish categorical exclusions from the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and necessary exemptions from the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) for emergency relief projects that are not located in metropolitan statistical areas (as defined by the Office of Management and Budget);

(2) revise the emergency relief manual of the Federal Highway Administration—

(A) to include and reflect the definition of the term “resilience” (as defined in section 101(a) of title 23, United States Code);

(B) to identify procedures that States may use to incorporate resilience into emergency relief projects; and

(C) to encourage the use of Complete Streets design principles and consideration of access for moderate- and low-income families impacted by a declared disaster;

(3) develop best practices for improving the use of resilience in—

(A) the emergency relief program under section 125 of title 23, United States Code; and

(B) emergency relief efforts;

(4) provide to division offices of the Federal Highway Administration and State departments of transportation information on the best practices developed under paragraph (3); and

(5) develop and implement a process to track—

(A) the consideration of resilience as part of the emergency relief program under section 125 of title 23, United States Code; and

(B) the costs of emergency relief projects.

**SA 2331.** Mrs. BLACKBURN submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY))

to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 1318, line 3, strike “The term” and insert “Except as otherwise expressly provided, the term”.

On page 1420, beginning on line 15, strike “In this” and all that follows through “section” on line 16, and insert “Except as otherwise expressly provided, in this section”.

On page 1426, between lines 2 and 3, insert the following:

(h) NATIONAL BLOCKCHAIN IMPLEMENTATION POLICY PROGRAM.—

(1) DEFINITIONS.—In this subsection:

(A) CRITICAL MINERAL.—The term “critical mineral” has the meaning given the term in Executive Order 13817 (30 U.S.C. 1601 note; relating to a Federal strategy to ensure secure and reliable supplies of critical minerals).

(B) NATIONAL LABORATORY.—The term “National Laboratory” has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

(C) PROGRAM.—The term “Program” means the National Blockchain Implementation Policy Program established by the Secretary under paragraph (2)(A).

(D) SECRETARY.—The term “Secretary” means the Secretary of Commerce.

(2) PROGRAM.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish in the Department of Commerce a program to be known as the National Blockchain Implementation Policy Program.

(B) REQUIREMENTS.—In carrying out the Program, the Secretary, acting in coordination with such Federal agencies, advisory councils, working groups, and subcommittees as the Secretary considers appropriate, shall—

(i) establish the goals, priorities, and metrics for a 5-year plan to accelerate the development of blockchain technology, and the applications for blockchain technology, in the United States;

(ii) monitor global regulatory developments to—

(I) assess the competitiveness of the United States with respect to the supply chain of critical minerals; and

(II) develop policy solutions in the United States with respect to the supply chain of critical minerals;

(iii) in order to achieve the purposes described in clause (i), pursue fundamental research, development, demonstration, and other activities with respect to blockchain technology;

(iv) invest in activities to develop a blockchain technology workforce pipeline;

(v) provide for interagency planning and coordination of research, development, demonstration, standards engagement, and other activities with respect to blockchain technology;

(vi) partner with private industry, institutions of higher education, and the National Laboratories to leverage knowledge and resources with respect to blockchain technology; and

(vii) leverage Federal investments regarding blockchain technology that are in existence, as of the date on which the Program is established, to advance the goals of the Program, including the purposes described in clause (i).

**SA 2332.** Mrs. BLACKBURN submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA

(for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division A, insert the following:

**SEC. \_\_\_\_ DEADLINE FOR AUTHORIZATION DECISIONS FOR MAJOR INFRASTRUCTURE PROJECTS.**

(a) DEFINITIONS.—In this section:

(1) LEAD FEDERAL AGENCY.—The term “lead Federal agency” means the Federal agency that is responsible for navigating a major infrastructure project through environmental review and authorization processes.

(2) MAJOR INFRASTRUCTURE PROJECT.—The term “major infrastructure project” means an infrastructure project for which—

(A) multiple authorizations by Federal agencies will be required to proceed with construction;

(B) the lead Federal agency has determined that it will prepare an environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(C) the project sponsor has identified the reasonable availability of funds sufficient to complete the project.

(b) DEADLINE FOR AUTHORIZATION DECISIONS.—Not later than 90 days after the date on which the head of a lead Federal agency issues a record of decision following the completion of an environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), all Federal authorization decisions relating to the construction of a major infrastructure project shall be completed, on the condition that such final environmental impact statement includes an adequate level of detail to inform agency decisions pursuant to specific statutory authority and requirements.

(c) EXTENSION.—The head of a lead Federal agency may extend the deadline referred to in subsection (b) if the head of the lead Federal agency determines that—

(1) Federal law prohibits the Federal agency from issuing an approval or permit within the 90-day period;

(2) the project sponsor requests that the permit or approval follow a different timeline; or

(3) an extension would better promote completion of the environmental review and authorization process of the project.

**SA 2333.** Mrs. BLACKBURN submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division A, insert the following:

**SEC. \_\_\_\_ USE OF PREVIOUS ENVIRONMENTAL STUDIES, ANALYSES, AND DECISIONS FOR CURRENT PROJECTS.**

In carrying out requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for a current project, a Federal agency may use an environmental study, analysis, or decision conducted in support of previous Federal, State, Tribal, or

local environmental reviews or authorization decisions.

**SA 2334.** Mrs. BLACKBURN submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 1065, line 17, insert “, motorcyclists,” after “bicyclists”.

**SA 2335.** Mr. THUNE submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 2639, strike line 6 and all that follows through page 2642, line 16, and insert the following:

(1) \$27,500,000,000 shall be for a bridge replacement, rehabilitation, preservation, protection, and construction program, *Provided further*, That, except as otherwise provided under this paragraph, the funds made available under this paragraph shall be administered as if apportioned under chapter 1 of title 23, United States Code: *Provided further*, That a project funded with funds made available under this paragraph shall be treated as a project on a Federal-aid highway: *Provided further*, That, of the funds made available under this paragraph for a fiscal year, 3 percent shall be set aside to carry out section 202(d) of title 23, United States Code: *Provided further*, That funds set aside under the preceding proviso to carry out section 202(d) of that title shall be in addition to funds otherwise made available to carry out that section and shall be administered as if made available under that section: *Provided further*, That for funds set aside under this paragraph to carry out section 202(d) of title 23, United States Code, the Federal share of the costs shall be 100 percent: *Provided further*, That up to ½ of 1 percent of the amounts made available under this paragraph in each fiscal year shall be for the administration and operations of the Federal Highway Administration: *Provided further*, That for the purposes of funds made available under this heading for a bridge replacement and rehabilitation program, (A) the term “State” means any of the 50 States or the District of Columbia; and (B) the term “qualifying State” means any State in which the percentage of total deck area of bridges classified as in poor condition in such State is at least 5 percent or in which the percentage of total bridges classified as in poor condition in such State is at least 5 percent: *Provided further*, That, of the funds made available under this heading for a bridge replacement and rehabilitation program, the Secretary shall reserve \$300,000,000 for each State that does not meet the definition of a qualifying State: *Provided further*, That, after making the reservations under the preceding proviso, the Secretary shall distribute the remaining

funds made available under this heading for a bridge replacement and rehabilitation program to each qualifying State by the proportion that the percentage of total deck area of bridges classified as in poor condition in such qualifying State bears to the sum of the percentages of total deck area of bridges classified as in poor condition in all qualifying States: *Provided further*, That for the bridge replacement and rehabilitation program, no qualifying State shall receive more than \$1,200,000,000, each State shall receive an amount not less than \$300,000,000, and after calculating the distribution of funds pursuant to the preceding proviso, any amount in excess of \$1,200,000,000 shall be redistributed equally among each State that does not meet the definition of a qualifying State: *Provided further*, That funds provided to States that do not meet the definition of a qualifying State for the bridge replacement and rehabilitation program shall be (A) merged with amounts made available to such State under this paragraph; (B) available for activities eligible under this paragraph; and (C) administered as if apportioned under chapter 1 of title 23, United States Code: *Provided further*, That, except as provided in the preceding proviso, the funds made available under this heading for a bridge replacement and rehabilitation program shall be used for highway bridge replacement or rehabilitation projects on public roads: *Provided further*, That for purposes of this heading for the bridge replacement and rehabilitation program, the Secretary shall calculate the percentages of total deck area of bridges (including the percentages of total deck area classified as in poor and the percentages of total bridge counts (including the percentages of total bridges classified as in poor condition) based on the National Bridge Inventory as of December 31, 2018:

**SA 2336.** Mr. THUNE submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title IV of division A, add the following:

#### **SEC. \_\_\_\_ TRIBAL TRANSPORTATION.**

(a) TRIBAL TRANSPORTATION PROGRAM.—

(1) IN GENERAL.—Section 202 of title 23, United States Code, is amended—

(A) in subsection (a)(9)(A), by striking “construction and improvement” and inserting “construction, improvement, and highway safety”;

(B) in subsection (b)—

(i) in paragraph (1)—

(I) by striking subparagraph (D) and inserting the following:

“(D) ADDITIONAL FACILITIES.—

“(i) IN GENERAL.—Not later than 270 days after the date of enactment of the Infrastructure Investment and Jobs Act, and not less frequently than every 3 years thereafter, the Secretary of the Interior shall publish in the Federal Register a notice requesting proposals from Indian tribes to include additional transportation facilities that are eligible for funding under the tribal transportation program in the inventory described in subparagraph (A), if those proposed additional facilities are included in the inventory in a uniform and consistent manner nationally.

“(ii) RULE OF CONSTRUCTION.—Nothing in this subparagraph—

“(I) prohibits the Secretary of the Interior from including in the inventory under subparagraph (A) additional transportation facilities more frequently than required under clause (i), including, as necessary, in response to a proposal from an eligible Indian tribe submitted during a period not described in the notice under clause (i); or

“(II) requires Indian tribes to submit proposals to the Secretary of the Interior in response to the notice required under clause (i).”; and

(II) by adding at the end the following:

“(F) PUBLIC AVAILABILITY.—The Secretary of the Interior shall ensure that all non-confidential information within the inventory described in subparagraph (A) is made available—

“(i) in a user-friendly manner on the public website of the Department of the Interior; and

“(ii) in a manner capable of being searched and downloaded by users of the public website of the Department of the Interior.”; and

(i) in paragraph (3)(B), in the matter preceding clause (i), by striking “fiscal year 2012” and inserting “the most recent fiscal year for which data is available”;

(C) in subsection (c)—

(i) in paragraph (3)—

(I) in subparagraph (A), by striking “; and” at the end and inserting a period;

(II) by striking subparagraph (B); and

(III) in the matter preceding subparagraph (A), by striking “shall be—” and all that follows through “selected by” in subparagraph (A), and inserting “shall be selected by”; and

(ii) by adding at the end the following:

“(4) NATIONALLY SIGNIFICANT FEDERAL LANDS AND TRIBAL PROJECTS PROGRAM.—Notwithstanding any other provision of this section, amounts made available to Indian tribes under subsection (b)(3) may be used for planning and design activities related to applications for grants under the nationally significant Federal lands and tribal projects program under section 1123 of the FAST Act (23 U.S.C. 201 note; Public Law 114-94).”; and

(D) in subsection (e)(2), by striking “as appropriate,” and inserting “subject to subsection (a)(9).”.

(2) INSPECTOR GENERAL REVIEW.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Inspector General of the Department and the Inspector General of the Department of the Interior shall jointly begin an audit of the tribal transportation program under section 202 of title 23, United States Code (referred to in this subsection as the “program”).

(B) REVIEW.—The audit under subparagraph (A) shall include—

(i) a review of the data collection and management processes used by the Secretary of the Interior in maintaining the national inventory of tribal transportation facilities under section 202(b)(1) of title 23, United States Code; and

(ii) a review of the administration of the program, including whether—

(I) funding under the program is distributed in a timely manner that is consistent with statutory and regulatory requirements; and

(II) the current procedures and practices used by the Secretary of the Interior to allocate funding for tribal transportation facilities (as defined in section 101(a) of title 23, United States Code) under the program are transparent and consistently applied.

(C) REPORT.—Not later than 1 year after the date of enactment of this Act, the Inspector General of the Department and the Inspector General of the Department of the